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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.674 OF 2005
IN
SUMMARY SUIT NO.2190 OF 2005

M/s.Team Computers Pvt. Ltd.).. Plaintiffs

Versus

M/s.Kashi Infotech and others).. Defendants

Ms.Kokila Kalra for the Plaintiffs.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH MARCH 2006

P.C.:

. This Summons for Judgment has been taken out by the Plaintiffs claiming an amount of Rs.3,64,000/- against goods sold and delivered. It is the case of the Plaintiffs that they sold computers to the Defendants against purchase order dated 11th November 2002. These computers were received by the Defendants vide delivery challan dated 27th November 2002 which indicates that 20 computers have been delivered. The Defendants have paid only half amount and the balance of Rs.3,64,000/- is payable. A cheque for this amount was issued by the Defendants which has been dishonoured. Correspondence annexed to the Plaint shows that the Defendants have in

fact received the goods. However, it is the contention of the Defendants that delay in delivering the computers to them caused there contract with a third party to be cancelled. Admittedly, a cheque for Rs.3,64,000/- was issued to the Plaintiffs. It appears that proceedings under Section 138 of the Negotiable Instruments Act have already been instituted.

2. There is no reply to the Summons for Judgment filed by the Defendants.

3. In these circumstances, with a view that the Defendants are given an opportunity to defend the claim, conditional leave granted on the Defendants depositing an amount of Rs.3,64,000/- within four weeks from today failing which the Plaintiffs will be entitled to a decree.

4. If the Defendants deposit the amount as aforesaid, Prothonotary & Senior Master to invest the same in a Fixed Deposit of a Nationalised Bank initially for a period of three years, to be renewed thereafter till the pendency of the Suit. The Suit shall then be transferred to the list of Commercial Causes.

5. Written Statement to be filed within eight weeks. Discovery and inspection to be taken eight weeks

thereafter.